

REMARKS

This is an Amendment and Reply to the Office Action dated October 15, 2003. The Applicants respectfully request reconsideration and allowance of the application and the claims presently at issue in light of the amendments and remarks set forth herein.

A. Present Status of Application

Claims 1-20 are pending in this application. In reply to a restriction requirement issued by the Examiner, the Applicant elected claims 1-15 without traverse. Accordingly, claims 16-20 have been withdrawn from consideration as being drawn to a non-elected species based on there being no presently allowable generic or linking claim. By this Amendment, new claims 21-26 have been added. Claims 1-15 and 21-26 are now at issue.

B. Supplemental Information Disclosure Statement

The Applicant directs the Examiner's attention to a supplemental Information Disclosure Statement (IDS) filed concurrently herewith. The IDS lists a previously unknown U.S. patent reference (U.S. Patent No. 6,205,674 to Kaizuka) listed in a PCT Search Report in an application filed by the Applicant but unrelated to the present Application. The IDS also lists the Applicant's U.S. application (Application No. 10/065,149, issue fee paid) corresponding to the PCT application in which the PCT Search Report was issued. The Examiner is respectfully requested to consider the Kaizuka reference in light of the amendments and remarks set forth herein.

C. Examiner's Rejections

In the present office action, the Examiner has set forth the following rejections:

1. Claims 1, 2, 6, 7, 9-13 and 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,316,077 to Carlson.
2. Claims 3-5, 8 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Carlson in view of U.S. Patent No. 5,077,461 to Hasegawa.

D. Reply to Examiner's Rejections

The Applicant respectfully replies to the Examiner's rejections as follows:

1. Section 102(b) Rejection of Claims 1, 2, 6, 7, 9-13 and 15 Based on Carlson

Independent claims 1, 6 and 12, as amended—and dependent claims 2, 7, 9-11 and 13 through their dependence from these claims—require, among other things, a hair dryer device employing a material that is: (1) capable of emitting far infrared radiation and negative ions; and (2) separate from the electrical heater. The Applicant submits that Carlson does not even disclose—nor does it teach or suggest—a hair dryer employing a material capable of emitting either far infrared radiation or negative ions, let alone both. Further, the ceramic material referred to by the Examiner in Carlson is the heater itself, so it is not separate from the electrical heater as required by the Applicant's claimed invention. Accordingly, the Applicant respectfully requests the Examiner to withdraw this rejection.

2. Section 103(a) Rejection of Claims 3-5, 8 and 14 Based on Carlson in View of Hasegawa

The Applicant submits that the Examiner has failed to establish a prima facie obviousness rejection. At the outset, the Applicant submits that neither reference provides any teaching, suggestion or motivation to combine the references. Further, the combination of Carlson and

Hasegawa—notwithstanding whether the combination is proper or not—falls short of arriving at the Applicant’s claimed invention. Accordingly, Carlson and Hasegawa both fail as primary references and do not support the Examiner’s obviousness rejection.

The Examiner contends that Carlson discloses a resistance heater formed from a ceramic material, and it would have been obvious to one of ordinary skill in the art to upgrade the heater in Carlson for the heater taught by Hasegawa to arrive at the Applicant’s claimed invention. Dependent claims 3-5, 8 and 14—through their dependence from amended independent claims 1, 6 and 12— require, among other things, a material that is: (1) capable of emitting far infrared radiation and negative ions; and (2) separate from the electrical heater. Contrary to the Examiner’s contention, the combination of Carlson and Hasegawa—notwithstanding whether the combination is proper or not—does not disclose, teach or suggest these requirements.

With respect to the shortcomings of Carlson, the Applicant submits that Carlson does not disclose, nor does it teach or suggest, a hair dryer employing any material—including the ceramic material referenced by the Examiner that forms the resistance heater itself—capable of emitting either far infrared radiation or negative ions. Further, the ceramic material referenced by the Examiner is a material that forms the resistance heater itself, which is not separate from the heater as required by the Applicant’s claimed invention.

With respect to the shortcomings of Hasegawa, the Applicant submits that Hasegawa does not disclose, nor does it teach or suggest, a material that is capable of emitting both far infrared radiation and negative ions and separate from the electrical heater, as required by the Applicant’s claimed invention. Indeed, Hasegawa discloses and teaches a “far infra-red radiating heater in which a ceramic heating resistance element per se efficiently radiates [far infrared radiation] . . .” (Emphasis added)(See *Summary of the Invention*, Col. 2, lines 26-30). Thus, contrary to the Applicant’s claimed invention, the heating resistance element itself—not a material separate from

the heating element— radiates far infrared radiation. Further contrary to the Applicant's claimed invention, Hasegawa does not disclose, nor does it teach, suggest or provide the motivation for, a heating element that emits both negative ions and far infrared radiation. Indeed, Hasegawa makes no mention of negative ions whatsoever.

Based at least on the foregoing, the Applicant submits that a prima facie obviousness rejection has not been established by the Examiner. Accordingly, the Applicant respectfully requests the Examiner to withdraw this rejection.

E. Kaizuka Reference

The Applicant submits that the Kaizuka reference listed in the Supplemental IDS does not disclose a material capable of emitting both far infrared radiation and negative ions. Nor does Kaizuka— or any reference of record, alone or in combination with Kaizuka—teach, suggest, or provide the motivation for a hair dryer device employing a material that is: (1) capable of emitting far infrared radiation and negative ions; and (2) separate from the electrical heater, as required by the Applicant's claimed invention.

F. Newly Added Claims

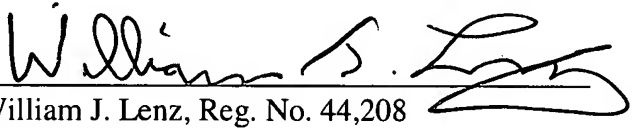
The Applicant submits that newly added claims 21-26 are based on subject matter distinguishable over the references of record for at least the reasons set forth herein. Accordingly, the Applicant submits that claims 21-26 should be allowed. Favorable consideration of these claims is respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, the Applicant submits that claims 1-15 and new claims 21-26 are in condition for allowance. Accordingly, the Applicants request favorable reconsideration and allowance of the present application and all pending claims, including reconsideration, reinstatement and allowance of claims 16-20 based on the allowance of one or more generic or linking claims amongst claims 1-15. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (312) 554-3300.

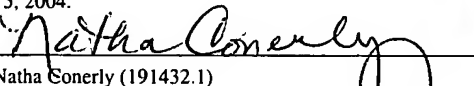
Respectfully submitted,

Dated: January 15, 2004

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 15, 2004.


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